



Paper No. 9

BRIAN ROFFE, ESQ
366 LONGACRE AVENUE
WOODMERE, NY 11598

COPY MAILED

FEB 05 2001

In re Application of
Breed, Johnson, Duvall, Morin, Xu, and
Varga
Application No. 09/474,147
Filed: 29 December, 1999
Attorney Docket No. ATI-214

: **OFFICE OF PETITIONS**
: **AC PATENTS**
: **DECISION ACCORDING STATUS**
: **UNDER 37 CFR 1.47(a)**
:
:

This is in response to the petition under 37 CFR 1.47(a)¹ filed on 29 December, 1999. The Office apologizes for the delay in responding to this petition.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, petitioner has established that a copy of the application was mailed to the last known address for non-signing joint inventor Andrew J. Varga (Varga) by joint inventor David S. Breed. By return letter dated 23 December, 1999, Varga subsequently refused to execute the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

¹ A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C.
§§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

After this decision is mailed, the application will be forwarded to Technology Center 3611 for further processing.

The \$130.00 petition fee will be charged to counsel's deposit account, No. 50-0266, as authorized in the present petition.

Telephone inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at (703)308-6918.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy